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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

“CHELSEA,” “MARIA,” “VIOLET,”
“JENNY,” and “SLOANE,”

Plaintiffs,

v.

STEFAN CIOBANU,

Defendant.

COMPLAINT

Case No: 1:25cv20557

The Plaintiffs, on their own behalf and through their attorneys of record, Kathryn Avila of Nigh Goldenberg Raso & Vaughn, PLLC, allege for their complaint as follows:

NATURE OF THE ACTION

1. This is a suit for damages arising out of the Defendant’s violations of federal criminal pornography statute 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

2. 18 U.S.C. § 2255(a) allows victims of child pornography crimes to recover liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred.

PARTIES

1. “Chelsea” is an adult and resides outside of the Southern District of Florida.
2. “Chelsea” is a pseudonym for the victim depicted in the 2crazygurls child pornography series.
3. “Maria” is an adult and resides outside of the Southern District of Florida.
4. “Maria” is a pseudonym for the victim depicted in the Best Necklace child pornography series.
5. “Violet” is an adult and resides outside the Southern District of Florida.
6. “Violet” is the pseudonym for the victim depicted in the At School child pornography series.
7. “Jenny” is an adult and resides outside of the Southern District of Florida.
8. “Jenny” is the pseudonym for the victim depicted in the Jenny child pornography series.
9. “Sloane” is an adult and resides outside of the Southern District of Florida.
10. “Sloane” is the pseudonym for the victim depicted in the Tara child pornography series.
11. Each of the Plaintiffs is a person who was sexually abused as a child and whose sexual abuse is depicted in images of child pornography seized from the Defendant’s possession.
12. Stefan Ciobanu [hereinafter “Defendant”] is an adult who, upon information and belief, resides within the Southern District of Florida.

JURISDICTION AND VENUE

1. Federal subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1331 because this is a civil action arising under 18 U.S.C. § 2255.

2. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because (i) this is a civil action brought in the judicial district where, on information and belief, the Defendant resided at the time of the offenses alleged herein and (ii) a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in this judicial district.

FACTS

The Defendant was Convicted of Possession of Child Pornography in Violation of 18

U.S.C. §§ 2252(a)(4) and (b)(2)

1. Defendant was charged in the United States District Court, Southern District of Florida, in the matter denominated *United States v. Ciobanu*, Southern District of Florida, Case No. 22-CR-20480, with Possession of Child Pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). This crime was alleged to have been committed on or about and between September 21, 2022.

2. On March 23, 2023, the Defendant pleaded guilty to Possession of Child Pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) and he was sentenced with a judgment entered against him.

3. The Court, in its judgment entered on March 24, 2023, ordered Defendant to pay restitution to many of the Plaintiffs herein.

Plaintiffs are Victims of Defendant's Crime of Possession of Child Pornography

1. Plaintiffs have each elected to receive notices via the United States Department of Justice Victims Notification System (VNS) which alerts them when they are potential victims in investigations by federal law enforcement agencies.

2. On information and belief, analysts at the National Center for Missing and Exploited Children (NCMEC) matched child pornography images on the Defendant's computer to child

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2 pornography images of Plaintiffs in NCMEC's database and notified the government of its findings in
3 a CVIP report.

4 3. On May 23, 2022, Plaintiffs first received notice from VNS that their child
5 pornography images were among those possessed by Defendant in violation of federal child
6 pornography law.
7

8 CLAIM FOR RELIEF

9 Civil Remedy under 18 U.S.C. § 2255A

10 1. The Plaintiffs repeat and re-allege all prior paragraphs.

11 2. 18 U.S.C. § 2255, entitled "Civil Remedy for Personal Injuries," provides that any
12 person who, while a minor, is a victim of a violation of 18 U.S.C. § 2252 or § 2252A and who suffers
13 personal injury as a result of such violation shall recover the actual damages such person sustains or
14 liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable
15 attorney's fees and other litigation costs reasonably incurred.
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17 3. The Defendant pleaded guilty to the predicate federal child pornography crime found at
18 18 U.S.C. § 2252(a)(4)(B) and (b)(2).
19

20 4. According to 18 U.S.C. § 2252(a)(4)(B), any person who "knowingly possesses, or
21 knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, videotapes, or
22 other matter which contain any visual depiction that has been mailed, or has been shipped or
23 transported using any means or facility of interstate or foreign commerce or in or affecting interstate or
24 foreign commerce, or which was produced using materials which have been mailed or so shipped or
25 transported, by any means including by computer, if—(i) the producing of such visual
26 depiction involves the use of a minor engaging in sexually explicit conduct, and (ii) such visual
27 depiction is of such conduct; shall be punished as provided in subsection (b) of this section.
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2 5. 18 U.S.C. § 2252(b)(2) provides:

3 Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a)
4 shall be fined under this title or imprisoned not more than 10 years, or both, but if
5 any visual depiction involved in the offense involved a prepubescent minor or
6 a minor who had not attained 12 years of age, such person shall be fined under this title
7 and imprisoned for not more than 20 years, or if such person has a prior conviction under
8 this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title
9 10 (article 120 of the Uniform Code of Military Justice), or under the laws of
10 any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct
11 involving a minor or ward, or the production, possession, receipt, mailing, sale,
12 distribution, shipment, or transportation of child pornography, such person shall be fined
13 under this title and imprisoned for not less than 10 years nor more than 20 years.

14 6. Each Plaintiff is a victim of Defendant's violation of 18 U.S.C. § 2252(a)(4)(B) and
15 (b)(2). Plaintiffs, by the exercise of their right to review evidence under 18 U.S.C. 3509(m)(3), have
16 confirmed that each of them is depicted in the collection of child pornography possessed by
17 Defendant.
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19 7. The Plaintiffs each elect liquidated damages in the amount of \$150,000 and the cost of
20 the action, including reasonable attorney's fees and other litigation costs reasonably incurred,
21 pre-judgment and post-judgment interest.
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23 8. The Plaintiffs are not seeking "actual damages" under 18 U.S.C. § 2255.
24

25 **RELIEF REQUESTED**

26 WHEREFORE, the Plaintiffs each request judgment against the Defendant as follows:
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28 1. Liquidated damages in the amount of \$150,000 each pursuant to 18 U.S.C. § 2255(a);
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2. Reasonable attorney's fees pursuant to 18 U.S.C. § 2255(a);
3. Litigation costs pursuant to 18 U.S.C. § 2255(a); and,
4. Pre-judgment and post-judgment interest;

DEMAND FOR A JURY TRIAL

Plaintiffs demand a trial by jury.

Dated this 6th day of February, 2025.

By /s/Kathryn L. Avila

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